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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,416	09/27/2001	Masahiro Numata	Q66412	8972

7590 10/19/2005  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER	
CHANG, SHIRLEY	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,416

Applicant(s)

NUMATA ET AL.

Examiner

Shirley Chang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **Detailed Action**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Young et al (20050044567).**

As to claim 1,

A program guiding apparatus comprising: a program adding device for adding desired programs ([0108]; [0111]; [0112]);

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a program scheduling device for scheduling programs to be received ([0043]; [0046], [0067])

and a display device for displaying information about said added programs and information about said scheduled programs ([0049]; [0079]);

while arranged in a single two-dimensional program guide screen at locations corresponding to respective time slots along a time axis (fig. 1 [0063]).

As to claim 2,

said program scheduling device schedules programs selected from said programs added by said program adding device ([0108]; [0111]; [0112]).

As to claim 3,

said two-dimensional program guide screen includes a first area for displaying said information about said added programs and a second area for displaying said information about said scheduled programs, said first and second areas being displayed while distinguished from each other ([0062]; [0063]; [0108]; [0113]).

As to claim 4,

each of said program adding device and said program scheduling device allows a plurality of programs to be added, said plurality of programs contending in whole or part of a time slot; and even if a plurality of said added programs or said scheduled programs contend in whole or part of said time slot, said display device displays

information about each of said contending programs in said two-dimensional program guide screen in a visually recognizable manner ( fig. 1 [0108]).

As to claim 5,

said two-dimensional program guide screen includes areas corresponding to entry types, and displays said information about said added programs in a corresponding one of said areas ([0046]; [0043]; [0067]).

As to claim 6,

each of said entry types is dedicated to a different user (each different user can record a different program [0046]; [0043]; [0067]).

As to claim 7,

said information about said programs displayed while arranged in said two-dimensional program guide screen is moved in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs [0111].

As to claim 8,

if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs and said information about said scheduled programs, which are displayed while arranged in said two-dimensional program guide screen, are exchanged in a

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visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs ([0111]; [0112]).

As to claim 9,

if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs is combined with said information about said scheduled programs, both of which are displayed while arranged in said two-dimensional program guide screen, in a visually recognizable manner to change said added programs to said scheduled programs (fig. 1 [0063]).

As to claim 10,

said programs are added via a two-dimensional program guide including a time axis and a channel axis for displaying a plurality items of program information (fig. 1).

As to claim 11,

The apparatus of claim 1 performs the method of claim 11, and are therefore previously discussed and met as in claim 1.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

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- Kretz et al. (6502241) is directed toward filter criteria and results display.
- Ha et al. (6490724) is directed toward analyzing/searching viewer habits.
- Lemmons (6481011) is directed toward program guide system.
- Aria et al. (20020133820) is directed toward producing program information.
- Cremia (6477704) is directed toward gathering demographic information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

  
PATENT Examiner  
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